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Recommendations on Zoning Ordinance Revision

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July, 1976
Berkeley
Planning
Commission

City Planning
Training

Berkeley

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INTRODUCTION

The purpose of this report is to set forth the Planning Commission recommendations for changes in the existing Zoning Ordinance with sufficient substance to afford an opportunity for the public and City Council to judge the effects of the changes proposed.

IN ADOPTING THIS REPORT WITH ITS RECOMMENDATIONS ON TEXT CHANGES AND ON ZONING ORDINANCE MAP RECLASSIFICATION, THE PLANNING COMMISSION IS SATISFYING ITS RESPONSIBILITIES UNDER THE NEIGHBORHOOD PRESERVATION ORDINANCE TO PREPARE AND SUBMIT TO THE CITY COUNCIL RECOMMENDATIONS FOR COMPREHENSIVE ZONING ORDINANCE REVISION.

To put Zoning Ordinance revision in context, this report will briefly cover the following topics:

- The function of the Zoning Ordinance
- The Neighborhood Preservation Ordinance (NPO)
- The interim NPO regulations
- State law requirements for consistency between the Zoning Ordinance and Master Plan.
- Zoning revisions since passage of the NPO
- A comprehensive process for revision.

Zoning Ordinance recommendations, Phase 1, are concrete proposals for revisions to be enacted within the next few months. This is followed by an outline of revisions to be undertaken when the initial phase is completed.

ELEMENTS FOR CONSIDERATION

The Function of the Zoning Ordinance

Berkeley implements its policies in many ways. The administration

ELEMENTS FOR CONSIDERATION

The Function of the Zoning Ordinance, Cont'd

1 and enforcement of regulations is one. Berkeley has a large number of
2 regulations, covering such varied topics as traffic, fire hazards, dogs,
3 food sanitation and electric poles. Because regulations limit what can
4 and cannot be done but do not in themselves cause anything to happen,
5 their purpose is to prevent problems rather than to solve them.

6 In addition to the Zoning Ordinance, Berkeley has a large number of
7 ordinances covering private development. These include ordinances which
8 regulate building standards for new construction and existing housing, signs,
9 architectural preservation, development in the Civic Center area, rental
10 inspection and vacant buildings. Within this group that collectively regu-
11 lates the development, maintenance and use of land, the function of the
12 Zoning Ordinance is to regulate land use, both site development and utiliza-
13 tion. Specifically, the Zoning Ordinance is:

14 "An Ordinance of the City of Berkeley, California, adopting a
15 zoning or districting plan for said City by establishing various
16 districts in said City, within which certain regulations shall be
17 in effect, relating to the uses of land and buildings, height limits
18 of buildings and yards and other open spaces about buildings; re-
19 quiring that certain permits shall be secured for certain such build-
20 ings and uses; defining certain terms used herein; specifying the pro-
21 cedure for the amendment, and prescribing penalties for the violation
22 of any of the provisions herein."

23 In implementing the Master Plan, a wide variety of approaches will be
24 relied upon, including private initiative, public programs and capital
25 improvements as well as regulation. The Zoning Ordinance is essential to
26 the program of Master Plan realization but is only one ingredient in that
27

ELEMENTS FOR CONSIDERATION

The Function of the Zoning Ordinance, Cont'd

1 program. Specifically, revisions to the Zoning Ordinance are designed to
2 improve the regulation of land development and use consistent with the
3 Master Plan and other City policy.

The Neighborhood Preservation Ordinance

5 In 1973, the Neighborhood Preservation Ordinance (NPO) initiative was
6 passed. Adverse impacts of current development trends, deficiencies in the
7 Master Plan and Zoning Ordinance, procedures for the correction of these
8 deficiencies and interim regulations are included in the Ordinance. The
9 NPO cites the following deficiencies in the Zoning Ordinance:

- 10 -- permits high density development which has had adverse impacts.
- 11 -- does not conform to population guidelines of the Master Plan.
- 12 -- fails to provide for a public report concerning the environmental
13 impact of proposed developments, as required by State law.
- 14 -- makes little provision for neighborhood consideration of the
15 impact of new development.

16 To remedy these deficiencies together with the deficiencies cited in
17 the Master Plan, the Planning Commission was mandated to prepare and submit
18 to the City Council for its consideration a revision of the Master Plan
19 and Zoning Ordinance.

20 The NPO further called for: 1) a committee of interested citizens (The
21 Master Plan Revision Committee) to be formed by the City Council to assist
22 the Planning Commission; and 2) the holding of at least five (5) public
23 hearings throughout the City by the Planning Commission to insure that the
24 Planning Commission is adequately informed regarding the priorities and
25 concerns of Berkeley residents.

ELEMENTS FOR CONSIDERATION

The Neighborhood Preservation Ordinance, Cont'd

1 The Master Plan Revision Committee (MPRC) spent over two years pre-
2 paring its proposals for Master Plan Revision and its reports on Zoning Ordinance
3 revision. These have provided the basis for the Planning Commission's
4 Master Plan and Zoning Ordinance revision proposals. While the MPRC did not
5 submit proposals for Zoning Ordinance revision to the City Planning Commission,
6 they did forward a number of reports by various persons and groups
7 identifying areas of concern and recommending changes.

8 The Planning Commission held five hearings throughout Berkeley on the
9 MPRC proposals for a revised Master Plan in early 1976. While these have
10 been determined by the City Attorney to satisfy the NPO requirements, the
11 Planning Commission believes that further public reaction is needed before
12 final acceptance of a revised Master Plan and recommendations for Zoning
13 Ordinance revision. To obtain this public response to the Planning Commission's
14 proposals for both a revised Master Plan and Zoning Ordinance:

15 THE PLANNING COMMISSION RECOMMENDS IN SUBMITTING ITS DRAFT
16 MASTER PLAN AND ZONING ORDINANCE REVISION RECOMMENDATIONS
17 TO THE CITY COUNCIL THAT THE COUNCIL REFER BOTH BACK TO THE
18 PLANNING COMMISSION FOR THE PURPOSE OF HOLDING PUBLIC HEARINGS
19 IN THE FALL OF 1976.

The Interim NPO Procedures

20 In order to regulate the issuance of permits during the period between
21 enactment of NPO and the final acceptance by the Berkeley City Council of
22 the revised Master Plan and Zoning Ordinance, the NPO established interim
23 controls on new residential construction and housing demolition. These
24 regulations deal with the provision of low income units in new buildings of
25 four or more units, criteria for granting permits, demolition/and relocation
26 controls
27

ELEMENTS FOR CONSIDERATION

The Interim NPO Procedures, Cont'd

1 requirements. Later the City Council added a provision to the Zoning Ordinance to control the conversion of residential uses to non-residential uses.

2 In order to determine if there is a need for interim regulations after
3 final acceptance by the Berkeley City Council of the revised Master Plan and
4 Zoning Ordinance, the specific interim regulations presently in effect were
5 evaluated individually.
6

- 7 1) Requirements that proposals be consistent with the Zoning
8 Ordinance and not detrimental.

9 These requirements are included in the present
10 Zoning Ordinance.

- 11 2) Neighborhood Notification Procedures

12 Zoning Ordinance amendments are presently before the
13 Council to enact revised procedures that are already
14 in effect administratively.

- 15 3) Affirmative Action, Demolition and Relocation Rules and
16 Procedures.

17 If these are determined to be consistent with policy
18 they should be included by the City Council in appropriate ordinances. They are not within the scope of
19 zoning controls.
20

- 21 4) Requirement for Provision of Low Income Housing in New
22 Buildings of four or more units.
23
24
25
26
27

ELEMENTS FOR CONSIDERATION

The Interim NPO Procedures, Cont'd

1 The Planning Commission is acutely aware of the need
2 and moderate
3 for more low / income housing in Berkeley. A goal of
4 housing policies in the proposed Master Plan is adequate
5 housing for all Berkeley residents at a range of prices
6 they can afford. The Commission, however, is doubtful
7 that the current requirement that 25% of new units in
8 buildings of four or more units serve lower income
9 households will result in the provision of new low
10 income housing. Since passage of the NPO in 1973
11 no buildings of four or more units have been con-
12 structed in Berkeley. Other factors such as the
13 interim nature of the regulations, the scarcity of sites, the
14 economic recession and high interest rates have contributed
15 to this lack of development.

16 As soon as possible, the Planning Commission will
17 evaluate alternatives and recommend permanent
18 regulations to induce construction of more lower
19 income units.

20 The Planning Commission also considered whether to
21 recommend continuation of the 25% requirement until
22 new low income regulations can be adopted but was
23 unable to reach a conclusion on this issue.

5) Environmental Review Procedures

24 Local guidelines for implementing the CEQA were adopted by
25 the City Council in July 1974 and have already replaced
26 NPO interim regulations on environmental review.

ELEMENTS FOR CONSIDERATION

The Interim NPO Porcedures, Cont'd

1 Based upon this review of the individual interim regulations, the
2 following conclusions were reached:

3 THE PLANNING COMMISSION FINDS THAT AFTER FINAL
4 ACCEPTANCE BY THE CITY COUNCIL OF THE REVISED
5 MASTER PLAN AND ZONING ORDINANCE THE INTERIM NPO
6 REGULATIONS WILL NO LONGER BE NEEDED BUT THE
7 PLANNING COMMISSION IS UNDECIDED ON THE ADVIS-
8 ABILITY OF CONTINUING A REQUIREMENT THAT 25% OF
9 UNITS IN NEW BUILDINGS OF FOUR OR MORE UNITS
10 SERVE LOWER INCOME HOUSEHOLDS.
11

State Planning Law

12
13 The State Planning Law on Zoning Regulation (Government Code, Title 7,
14 Chapter 4) permits cities and counties to adopt and administer Zoning Ordi-
15 nances within legislative limits. State law provisions define the scope of
16 power to regulate by zoning, procedures for the adoption or amendment of a
17 Zoning Ordinance, provision for interim ordinances as emergency measures and
18 consistency of any Zoning Ordinance with the General Plan. Specifically, the
19 Law states that "A Zoning Ordinance shall be consistent with a City and
20 County General Plan only if: 1) the City or County has officially adopted such
21 a plan; and 2) the various land uses authorized by the Ordinance are com-
22 patible with the objectives, policies, general uses and programs specified in
23 such a Plan." This standard has been adopted by the Planning Commission in
24 evaluating the need for Zoning Ordinance revisions and recommendations for
25 revision.
26
27

ELEMENTS FOR CONSIDERATION

Zoning Ordinance Revisions since Enactment of the NPO

1 Berkeley has been concerned about the Zoning Ordinance problems cited
2 in the NPO for some time. Since its passage and apart from the formal
3 Master Plan revision process, significant Zoning Ordinance Revisions and
4 reclassifications have taken place. Many directly respond to the
5 deficiencies cited in the Ordinance. Specifically:

6 -- In all multiple unit residential zones, the intensity of develop-
7 ment permitted has been reduced. Together with reclassifications
8 already adopted
9 these regulations/will prevent the adverse impacts of high
10 density development.

11 -- Some areas have been reclassified "down" to more restrictive
12 residential zones. This contributes to remedying potentially
13 adverse effects of high density development in inappropriate
14 locations.

15 -- The Zoning Ordinance text has been revised to review and regulate;
16 a) a wider variety of commercial uses; b) the conversion of residen-
17 tial uses to non-residential use, with specific guidelines to be
18 met; c) the relocation of buildings; and d) development of parking
19 lots.

20 These regulate situations which were deemed to be adversely
21 affecting residential areas. To obtain consistency with Planning
22 Commission proposed Master Plan policies, modification of provisions
23 on conversions and commercial uses is being proposed.
24
25
26
27

ELEMENTS FOR CONSIDERATION

Zoning Ordinance Revisions since Enactment of the NPO, Cont'd

-- Revised notification procedures have been instituted administratively and are presently before the City Council for inclusion in the Zoning Ordinance. These changes remedy deficiencies of resident review at the neighborhood level of significant new developments or changes in land use.

Process for Zoning Revision

A number of activities have been occurring simultaneously that directly affect zoning revision. These include:

- A) Enactment of zoning revisions and reclassifications as described above.
- B) Imposition of an interim ordinance restricting commercial uses in the Elmwood area and work with the Elmwood area merchants and residents to develop a restricted commercial zone to effectively regulate neighborhood shopping centers.
- C) Study by the Master Plan Revision Committee which resulted in a series of reports covering many aspects of the Zoning Ordinance.
- D) Preparation by the Planning Commission of final recommendations on a revised Master Plan with which the Zoning Ordinance must be consistent. The land use proposals that the Planning Commission will recommend dramatically lower planned residential densities in many areas.

To handle revisions in an orderly and expeditious manner: the Planning Commission recommends that a two phase program be established. The first phase which is described in the next section of the report, deals with those Zoning Ordinance revisions which are needed to:

ELEMENTS FOR CONSIDERATION

Process for Zoning Revision, Cont'd

1 A) Bring the Zoning Ordinance into consistency with the revised Master
2 Plan;

3 B) Remove the need for further interim regulations.

4 The steps and schedule for implementing this phase of zoning revision
5 is attached.

6 Phase II will provide a comprehensive revision of the format and language
7 of the Zoning Ordinance. Substantive revisions to regulations will be made
8 to clarify the intent and remedy problems that occur in their administration.
9 Since adoption of the Zoning Ordinance, innumerable text changes have been
10 enacted to meet changing conditions in the community. Such amendments are
11 necessary but after 27 years, the result is an ordinance which is difficult
12 to interpret. The person wanting to develop property is hard put to locate
13 within the Ordinance all the sections which may apply--how the land can
14 be developed and what procedures he ^{or she} may be subject to. Administration of the
15 Ordinance is made difficult by ambiguities and internal inconsistencies. If
16 these problems are to be ameliorated, the entire ordinance must be overhauled.
17 Phase II will carry out this project.

PHASE I: ZONING ORDINANCE TEXT REVISION

1 The purpose of the Phase I Zoning Revision is to bring the Zoning Ordinance into consistency with the revised Master Plan. Reclassifications of
2 residential zones are the most critical aspects of this phase. In terms of
3 text revision, the Commercial Zones will receive primary attention. Recent
4 experience has revealed the extent to which present controls are inadequate
5 to encourage appropriate development or prevent much that is inconsistent with
6 community objectives. Master Plan policies also mandate changes in other
7 aspects of the text. These, along with commercial zone recommendations, are
8 considered in this section of the report covering Phase I-Zoning Ordinance
9 Text Revision.

General Provisions

12 There are a number of provisions, definitions and procedures in the
13 Zoning Ordinance which apply to all districts. While largely consistent with
14 the draft Master Plan, several sections need to be examined for their consistency with Master Plan policies.

16 1) Procedure for conversion of residential uses to non-residential use.
17 At present, Section 15.1-1 sets up criteria and procedures for any conversion
18 of dwelling units to non-residential use. The Planning Commission in the
19 Housing Element adopted the following policy: "In residentially zoned areas,
20 do not permit the demolition of housing or its conversion to non-residential
21 use unless: 1) a greater public need is served which can be feasibly met in
22 no other way; 2) replacement housing is provided within a reasonable time;
23 or 3) the structure to be demolished cannot economically be repaired."
24 Section 15.1-1 applies to housing regardless of the zoning of the land upon
25 which it is located and its criteria for approval are inconsistent with those
26 defined above.

ZONING ORDINANCE TEXT REVISION

General Provisions, Cont'd

1 THE PLANNING COMMISSION RECOMMENDS THAT THIS
2 ENTIRE SECTION BE REPEALED.

3 All non-residential uses in residential zones (to the extent they are
4 permitted at all) are subject to obtaining a Use Permit. To meet the Master
5 Plan policy cited above,

6 THE PLANNING COMMISSION RECOMMENDS THAT USE PERMIT
7 APPLICATIONS WHICH INVOLVE THE CONVERSION OF A RESI-
8 DENTIAL UNIT IN A RESIDENTIAL ZONE TO A NON-RESIDENTIAL
9 USE BE GRANTED ONLY IF, IN ADDITION TO OTHER REQUIRE-
10 MENTS, A GREATER PUBLIC NEED IS SERVED THAT CAN BE
11 FEASIBLY MET IN NO OTHER WAY ^{and} ~~or~~ REPLACEMENT HOUSING IS
12 PROVIDED WITHIN A REASONABLE TIME.

13 2) Definition of "family." The existing Zoning Ordinance defines a
14 family as "one or more persons related by blood, marriage or adoption and,
15 in addition, any domestic servants or gratuitous guests thereof who are
16 living together in a single dwelling unit and maintaining a common
17 household." Persons living together who do not meet the definition of
18 family above are treated as roomers and are subject to limitations on numbers
19 permitted and off-street parking required.

20 The Housing Element contains a policy which states that "as long as occu-
21 pancy is consistent with density and environmental standards, (act to
22 eliminate) discrimination based on marital status, student status or house-
23 hold makeup." The crux of the issue is whether the definition of a family
24 can be changed to eliminate discrimination without compromising density and
25 environmental standards.

26 Alternative ways of controlling occupancy to maintain density and
27

ZONING ORDINANCE TEXT REVISION

General Provisions, Cont'd

1 environmental standards are being investigated. One approach is to restrict
2 the number of cars a household can have that rely upon public on-street park-
3 ing for storage. This approach responds to a common problem of many cars
4 owned by occupants of a household made up of many adults. The legality and
5 feasibility for administration of such provisions is being explored. Based
6 upon these considerations,

7 THE PLANNING COMMISSION RECOMMENDS THAT METHODS FOR
8 MAINTAINING ENVIRONMENTAL STANDARDS BE STUDIED AND
9 THE DEFINITION OF FAMILY IN THE ZONING ORDINANCE BE
10 CHANGED TO "ONE OR TWO PERSONS TOGETHER WITH THEIR
11 RELATIVES BY BLOOD OR ADOPTION LIVING IN A SINGLE
12 DWELLING UNIT AND MAINTAINING A COMMON HOUSEHOLD."

Commercial Zones

13
14 A great deal of time in recent years has been devoted to updating the
15 commercial zones. A separate ordinance was developed to regulate street
16 vending. Amendments to existing commercial zones have been made requiring
17 more commercial uses to be subject to the Board of Adjustment review.
18 Temporary interim regulations have been applied in the Elmwood shopping area.
19 Department staff have been working with the Elmwood area/merchants to develop
20 a zoning district which will implement their goals of restricting the size
21 and number of commercial activities and instituting more opportunities for
22 review. A number of specific requests for changes in commercial zoning are
23 pending.

24 There are at present five commercial zones: Office-residential (O-R)
25 limited commercial (C-1), central commercial (C-2), general commercial (C-3),
26 and planned shopping (P-S). The Central Business District is zoned C-2;
27

ZONING ORDINANCE TEXT REVISION

Commercial Zones, Cont'd

1 a small parcel at Rose and Shattuck is zoned O-R; three blocks south from the
2 Albany line along San Pablo Avenue are zoned C-3; and two sites along north
3 Shattuck are zoned P-S. All other commercial zoning in Berkeley is C-1.

4 The draft Master Plan identifies the distinct functions of four types of
5 commercial areas:

- 6 -- The Central District: Diverse center of commerce, government and
7 cultural activities for Berkeley.
- 8 -- Commercial Service District: Auto-oriented commercial activities.
- 9 -- Community Commercial Districts: Intermediate-sized commercial
10 centers which provide a wide variety of shopping goods and services
11 to residents.
- 12 -- Neighborhood Commercial Districts: Small-sized commercial centers
13 intended to provide for day to day needs of adjacent residents.

14 Additionally, the draft Master Plan sets forth policies to encourage
15 regional commercial activities to locate in the central district, to prevent
16 traffic and parking intrusions into adjacent residential areas, to insure
17 compatibility with adjacent residential areas, to encourage the up-grading
18 of commercial centers and to encourage high density residential development
19 in appropriate locations.

20 The Transportation Element establishes policies on parking and transit
21 service which will also be reflected as applicable in commercial zoning.

22 If the administrative problems of the existing commercial zones are to be
23 alleviated and the policies of the Master Plan are to be implemented, a com-
24 plete revision of all commercial zones is needed.

25 THE PLANNING COMMISSION SPECIFICALLY RECOMMENDS THE
26 FOLLOWING PROGRAM OF COMMERCIAL ZONING REVISIONS.
27

ZONING ORDINANCE TEXT REVISION

Commercial Zones, Cont'd

-- ALL THE PRESENT COMMERCIAL ZONES BE RESTRUCTURED TO BE COMPATIBLE WITH REVISED MASTER PLAN POLICIES WITH THE PURPOSE OF EACH DISTRICT DEFINED IN ACCORDANCE WITH MASTER PLAN POLICIES.

-- A RESTRICTED COMMERCIAL ZONE BE DEVELOPED WHICH LIMITS THE SCALE AND TYPES OF ACTIVITIES PERMITTED IN COMMERCIAL LOCATIONS WHERE A SENSITIVE RELATIONSHIP WITH ADJACENT RESIDENTIAL AREAS EXISTS.

-- THE CRITERIA FOR EVALUATING COMMERCIAL USE PERMIT APPLICATIONS WILL BE EXPANDED TO INCLUDE: a) WILL NOT INCREASE TRAFFIC OR PARKING TO ADVERSELY AFFECT ADJOINING RESIDENTIAL AREAS OR TRANSIT SERVICE; AND b) IS CONSISTENT WITH THE PURPOSES OF THE DISTRICT.

This program will be the largest single component of Phase I revisions. Priority will be given to development of the restricted commercial zone so that interim regulations for the Elmwood area can be terminated.

Residential Zones

1. In-Law Apartments: In the existing ordinance, a separate apartment* for the use of a relative of the family occupying the principal quarters is permitted. The restrictions are that it be part of the same building as the principal quarters, contain not more than 500 square feet or one-third of the gross floor area (whichever is less) and be subject to securing a Use Permit. These permits require a deed acknowledgment that the units are for identified relatives only. Units developed under this provision in the past have raised many issues. Once established, insuring occupancy by relatives is difficult.

*In addition to what is allowed.

ZONING ORDINANCE TEXT REVISION

Residential Zones, Cont'd

Reasons for continuing this provision include:

- a) It enables older relatives to live independently in low density areas with relatives and supports the Housing Element policy that elderly persons have access to an adequate supply of housing; and
- b) The units do not normally create more living space but rather reallocate it so do not increase density.

Reasons set forth for discontinuing this provision include:

- a) Units originally developed for a relative may later be rented to others;
- b) The splitting up of a unit into two is an increase in density; density standards for each residential zone should apply to all buildings alike; and
- c) An extra separate rental unit within a house or building increases the building's value and, therefore, its tax assessments. This may cause other houses or buildings to have assessments raised because of their proximity to buildings with "in-law" units. The validity of this assertion is uncertain.

To retain the beneficial features of this provision while responding to the extent possible to the problems identified:

THE PLANNING COMMISSION RECOMMENDS THAT THE PROVISION IN RESIDENTIAL ZONES PERMITTING A SEPARATE APARTMENT (UPON SECURING A USE PERMIT) BE RETAINED SUBJECT TO THE FOLLOWING CONDITIONS:

1. OCCUPANCY BY ONE OR TWO PERSONS RELATED BY BLOOD, MARRIAGE OR ADOPTION TO A RESIDENT OF THE PRINCIPAL QUARTERS OR A FORMER OWNER 55 YEARS OR OLDER WHO

ZONING ORDINANCE TEXT REVISION

Residential Zones, Cont'd

- 1 HAS OCCUPIED THE PRINCIPAL QUARTERS FOR A MINIMUM
2 OF FIVE YEARS PRIOR TO SALE OF THE PROPERTY.
- 3 2. NO EXTERIOR ALTERATIONS SHALL BE MADE THAT CHANGE
4 THE APPEARANCE OF THE DWELLING.
- 5 3. THE NUMBER OF ROOMERS WHICH WOULD BE PERMITTED IN
6 THE DWELLING SHALL BE REDUCED BY THE NUMBER OF OC-
7 CUPANTS OF THE APARTMENT.
- 8 4. ONE OFF-STREET PARKING SPACE, IN ADDITION TO THE
9 SPACE REQUIRED FOR THE PRINCIPAL QUARTERS, SHALL
10 BE PROVIDED.
- 11 5. THE ALTERATIONS WHICH MUST BE MADE AND THE FA-
12 CILITIES WHICH MUST BE REMOVED UPON TERMINATION OF
13 THE USE PERMIT IN ORDER TO ELIMINATE THE APARTMENT
14 SHALL BE SPECIFIED IN THE PERMIT AND THE PERMITTEE
15 SHALL AGREE IN WRITING TO MAKE SUCH ALTERATIONS UPON
16 TERMINATION OF THE PERMIT.
- 17 6. THE PERMIT SHALL BE AUTOMATICALLY TERMINATED WHEN
18 THE PREMISES CEASE TO BE OCCUPIED BY THE PERSONS FOR
19 WHOM IT WAS ISSUED.
- 20 7. THE PERMITTEE SHALL RECORD WITH THE ALAMEDA COUNTY
21 RECORDER'S OFFICE A STATEMENT OF THE AGREED CONDI-
22 TIONS FOR CONTINUANCE OF THE SEPARATE APARTMENT.
- 23 8. THE CONDITIONS OF THE USE PERMIT MUST BE RECERTI-
24 FIED ANNUALLY WITH PAYMENT OF AN APPROPRIATE FEE.
- 25
26
27

ZONING ORDINANCE TEXT REVISION

Residential Zones, Cont'd

1 2. Roomers. Existing zoning regulations permit up to four roomers as an
2 incidental use in any dwelling as long as an additional parking space is pro-
3 vided for each two roomers. No Use Permit is required. By having no review
4 process, this can lead to incompatible increases in density. To insure that
5 density standards of the Master Plan are maintained:

6 THE PLANNING COMMISSION RECOMMENDS THAT A USE PERMIT BE
7 REQUIRED FOR RENTING ROOMS TO MORE THAN TWO PERSONS AND
8 THAT AN ADDITIONAL OFF STREET PARKING SPACE BE REQUIRED
9 FOR EACH ROOMER OVER TWO.

and Moderate

10 3. Low/Income Housing. In order to meet the needs of its lower income
11 households, Berkeley is exploring all potential methods for stimulating the
12 and moderate
13 development of more low/income housing. Many other localities face similar
14 challenges and a number of innovative approaches are being studied and tested.
15 and moderate
16 Regulations must stimulate the provision of low/income housing without in-
17 hibiting the development of other needed new housing. To accomplish this:

18 THE PLANNING COMMISSION RECOMMENDS THAT METHODS FOR EN-
19 AND MODERATE
20 COURAGING THE PROVISION OF LOW/ INCOME HOUSING BE STUDIED
21 AND RECOMMENDATIONS FOR PERMANENT REGULATIONS TO MEET
22 THIS OBJECTIVE BE DEVELOPED.

Industrial Districts

23 Environmental Standards. Present development controls in the Manufacturing
24 District do not adequately establish environmental standards applicable to
25 new development. To meet Master Plan policies for improving the economic
26 viability and attractiveness of the industrial area,

27 THE PLANNING COMMISSION RECOMMENDS THAT APPROPRIATE
STANDARDS FOR SITE DEVELOPMENT, NOISE AND AIR POLLUTION
BE DEVELOPED AND ENACTED.

ZONING ORDINANCE TEXT REVISION

Environmental Safety District

1 In areas of known hazard, the purposes of the Environmental Safety Dis-
2 trict are to: 1) protect the lives and property of residents and avoid
3 destruction or damage to the natural environment through the application of
4 special development regulations; 2) to limit the uses of land permitted to
5 those necessary to serve the housing and access needs of the inhabitants;
6 3) to limit the size and occupancy of residential structures; and 4) to assure
7 the effective use of emergency measures available to save lives and property."
8 The present regulations rely on development limitations to achieve the pur-
9 poses of the district. To be consistent with Master Plan policies on Seismic
10 and Safety, performance standards identifying levels of risk and appropriate
11 requirements are needed. To meet these policies,

12 THE PLANNING COMMISSION RECOMMENDS THAT STANDARDS
13 FOR ENVIRONMENTAL SAFETY IN AREAS OF SPECIAL HAZARD
14 BE DEVELOPED AND ENACTED.

PHASE I: ZONING ORDINANCE MAP REVISION

The Planning Commission, as part of the comprehensive revision of the Master Plan, approved a Land Use Element which included a substantially revised Land Use Map. In order to bring the zoning map into conformance with the proposed policies, a substantial revision was required. The staff in translating the land use proposals into zoning recommendations utilized the following assumptions:

- o No residential properties zoned R-2 or lower were considered for modification.
- o No private property has been retained in the R-5 Zone; however, the R-5 density standards will apply to new housing in the C.B.D and other select commercial areas.
- o Where feasible, reduced commercially zoned properties which were not being so utilized or where its development might prove detrimental to the surrounding neighborhoods.
- o Residential zoning modifications were a result of:
 - Land Use Element policies
 - Existing development
 - Lot sizes
 - Neighborhood requests
 - Staff suggestions

The proposed changes have been numbered for reference purposes and the areas involved have only been generally described; for greater detail refer to the zone change map.

THE FOLLOWING PROPOSED MAP CHANGES ARE FOR DISCUSSION PURPOSES ONLY.*

BEFORE THE ZONING CLASSIFICATION COVERING ANY PARCEL OF LAND IS CHANGED, THE FOLLOWING STEPS MUST OCCUR:

1. INITIATION OF RECLASSIFICATION BY THE PLANNING COMMISSION OR CITY COUNCIL;
2. EXTENSIVE NOTIFICATION OF AFFECTED PERSONS;
3. PUBLIC HEARING BEFORE THE PLANNING COMMISSION; AND
4. APPROVAL BY THE PLANNING COMMISSION AND CITY COUNCIL.

Additional proposals for rezoning or changes in these preliminary recommendations can be made by individuals and groups during the course of the Master Plan Public Hearings.

*Reclassification has been initiated only on the specific parcels identified in the insert map covering the Ashby/College area. No date for public hearing has been set.

1. b/s Masonic bet. Gilman and City of Albany: R-3 to R-2
2. b/s Hopkins bet. Curtis and Gilman: R-4 to R-2
3. b/s Hopkins bet. Gilman to Hopkins Ct.: R-4 to R-2-A
4. s/s Hopkins bet. McGee and M.L.K.Jr. Hi School: R-4 to R-2-A
n/e cor. Hopkins and Carlotta: R-2-A
5. Ward to Ashby bet. Shattuck and Telegraph R2A to R2
6. b/s Grove bet. Rose and Berryman: R-3 to R-2-A
7. s/w cor. Grove and Rose: C-1 to R-2-A
8. b/s Grove, s/o Rose to Virginia: R-3 to R-2-A
9. bet. Cedar and Virginia, w/o Grove: R-2-A to R-2
10. bet. Francisco and Delaware, w/o Grove: R-3 to R-2-A
11. bet. Francisco and Berkeley Way, b/s Grove: C-1 to R-2-A
12. bet. Francisco and Berkeley Way, bet. Grove and Shattuck: R-5 to R-2-A
13. bet. Rose and Virginia, w/o Shattuck: R-4/R-4-H to R-2-A/R-2-A-H
bet. Henry and Shattuck
14. n/w cor. Henry and Rose: O-R to R-2-A
15. b/s Walnut bet. Vine and Virginia: R-3 to R-2-A
16. bet. Virginia and Hearst, bet. Walnut and Oxford: R-5 to R-4
17. bet. Spruce and Highland, bet. Virginia and Hearst: R-5-H to R-3-H
18. b/s LaLoma, bet. Virginia and LeConte: R-3-H
19. b/s Berkeley Way, bet. Curtis and Grove: R-4 to R-2-A
20. b/s Hearst, bet. Curtis and San Pablo: R-4 to R-3
21. b/s University bet. San Pablo and Sixth: R-4 to R-3
22. b/s Addison bet. San Pablo and Curtis: R-4 to R-3
23. b/s Addison bet. Curtis and Sacramento: R-4 to R-2-A
24. b/s Sacramento bet. Dwight Way and Oregon: R-3 to R-2
25. b/s Burnette bet. San Pablo and Stanton: R-2-A to R-2
26. b/s Ashby bet. San Pablo and Stanton: R-3 to R-2A
27. bet. 67th and Oakland Boundary, bet. Sacramento and Oakland Bdry: R-3
to R-2-A
28. b/s Sacramento bet. Woolsey and Oakland Bdry.: bet. Sacramento and Harper:
R-3 to R-2-A
29. bet. Ashby and Oakland Bdry.: bet. Sacramento and Harper: R-3 to R-2-A
30. w/s Grove bet. Ashby and Woolsey: C-1 to R-2A
31. bet. Grove and Dover, bet. Alcatraz and Oakland Bdry.: R-3 to R-2-A
32. b/s Blake bet. Grant and Grove: R-3 to R-2-A
33. b/s Dwight Way bet. Grant and Grove: C-1 to R-2-A
34. bet. Grove and Milvia/Shattuck, bet. Center and Blake: R-5 to R-4
35. b/s Allston Way, w/o Milvia: C-2 to R-4
36. bet. Grove and Milvia, bet. Ashby and Parker: R-4 to R-2-A
37. bet. Emerson and Oakland Bdry, bet. Shattuck and Adeline: R-3 to R-2-A
38. bet. Emerson and Oakland Bdry, bet. Shattuck and Telegraph: R-2-A to R-2
39. b/s Ashby bet. Loring and Ellsworth: R-3 to R-2-A
40. bet. Derby and Carleton, bet. Shattuck and Telegraph R-3 to R-2
41. bet. Blake and Parker, bet. Shattuck and Chilton R-5 to R-2-A
42. bet. U.C.B. and Dwight Way, bet. Fulton and Telegraph: R-5 to R-4
43. bet. U.C.B. and Parker/Dwight Way, bet. Telegraph and Warring: R-5/R-5-H to
R-3/R-3-H
44. b/s Derby, bet. Telegraph and College: R-3 to R-2-A
45. n/s Ashby bet. Florence and Benvenue: R-3 to R-2-A
s/s Ashby bet. Ashby bet. Alta Bates and Benvenue: R-3 to R-2-A
46. b/s Dana, s/o Ashby: R-3 to R-1
47. bet. Colby and Bateman, n/o Prince: R-3 to R-1
48. b/s Webster, e/o College: R-2-A to R-2
49. bet. Garber and Ashby, e/o College: R-2-A to R-2
50. b/s College bet. Garber and Russell: R-4 to R-2-A

51. s/e cor. Domingo and Ashby: C-1-H to R-3-H
52. California School for the Deaf: R-3 to R-1
53. n/o Dwight Way, e/o Hillside Ave: R-3-H to R-2-A-H
54. bet. Warring and Prospect, bet. U.C.B. and Dwight Way: R-5-H to R-2-A-H
55. Dwight Way to Forest, bet. Warring and College R3 to R2
56. e/s Grove, bet. Dwight Way and Blake: C-1 to R-4
57. b/s College bet. Webster and Alcatraz R-4 to R-2-A
58. b/s San Pablo bet. Camelia and Albany bdry: C-3 to C-1

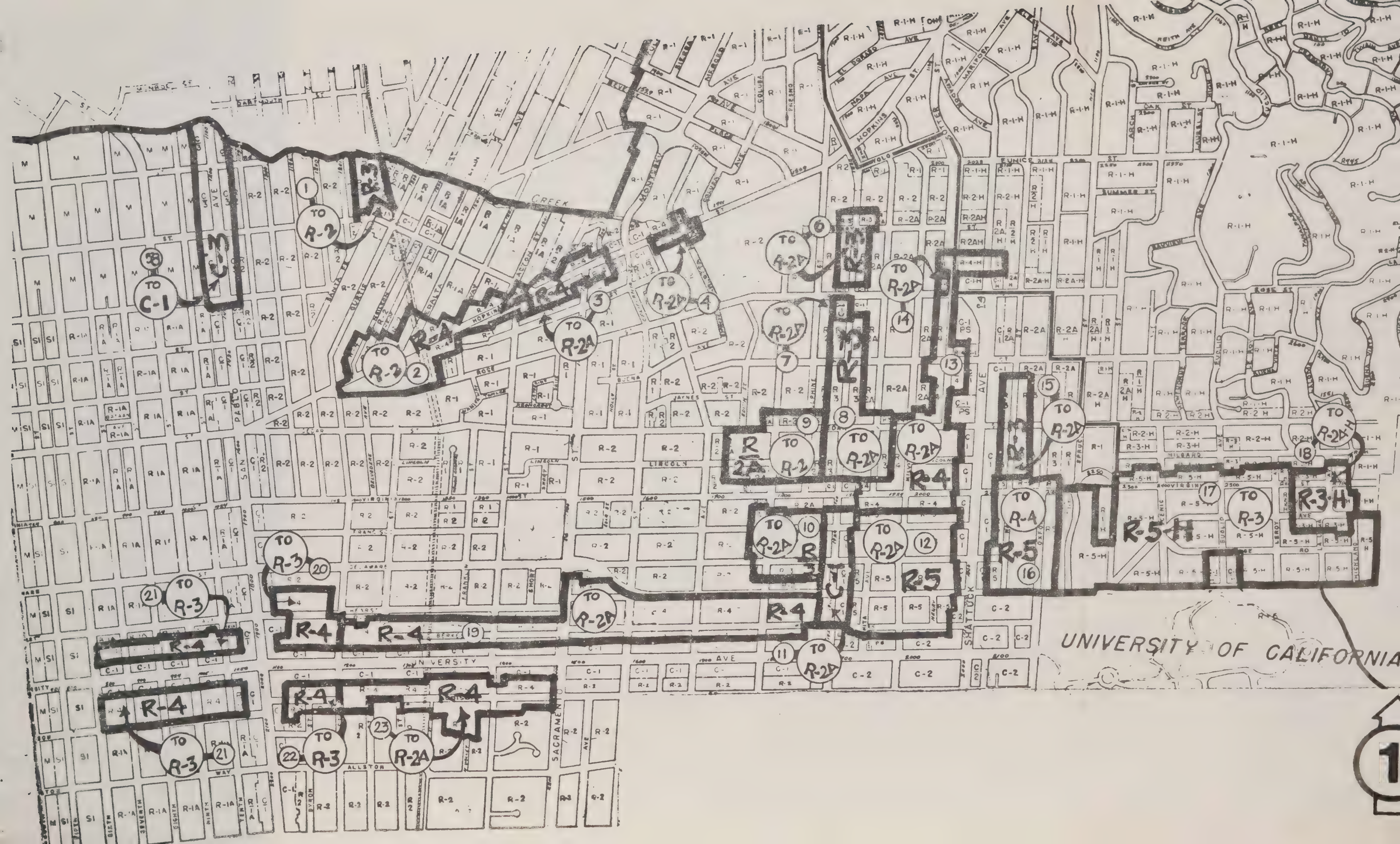
BERKELEY ALAMEDA COUNTY CALIFORNIA

Scale 1:10,000

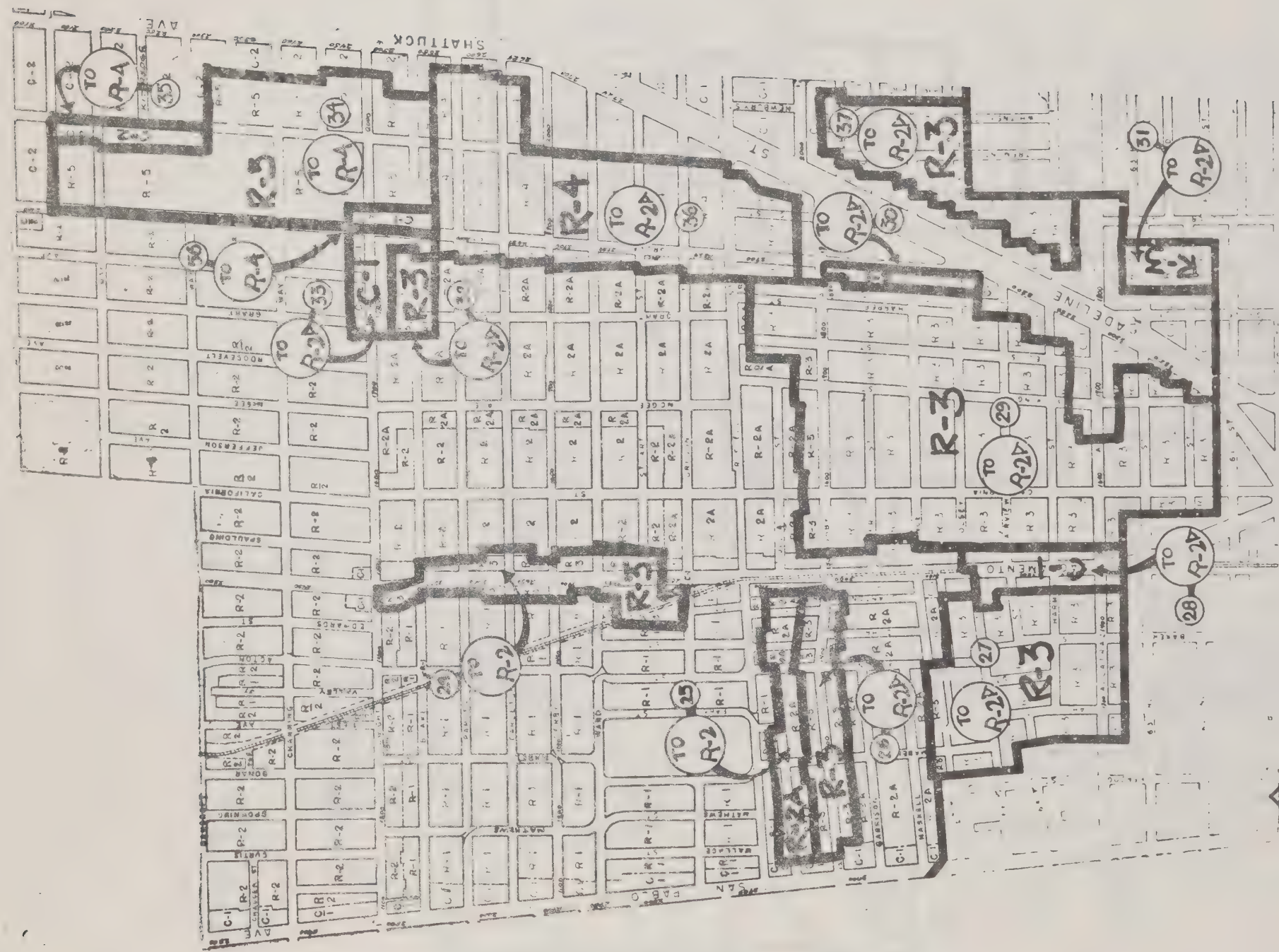
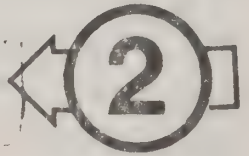


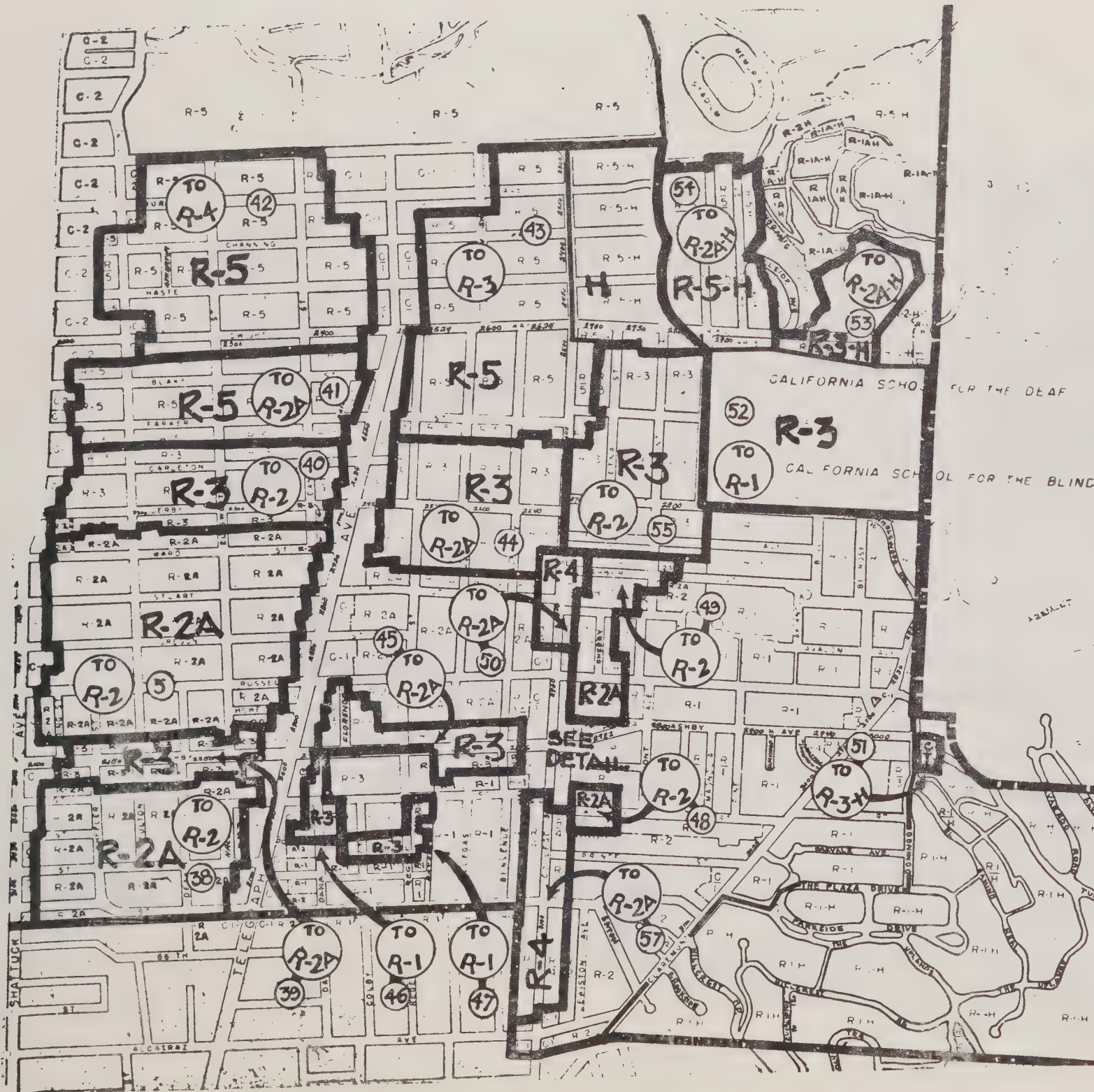
STREET NUMBERS:
Numbers on these maps are South of West 15 feet
from numbers on North 15 feet side of streets
No meter has been used in this map of 1914

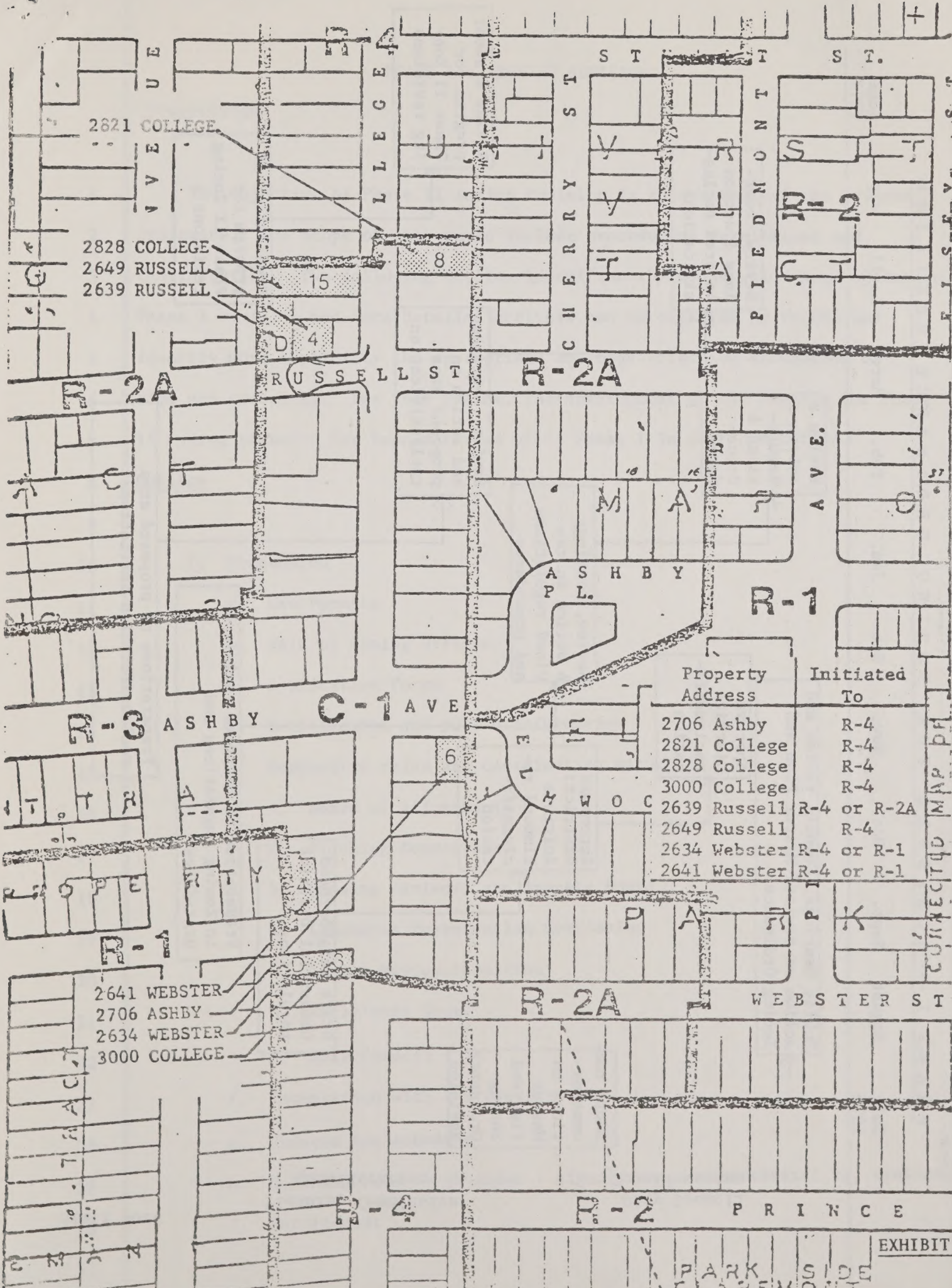
PREPARED BY
CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
REV TO 1



UNIVERSITY OF CALIFORNIA







2821 COLLEGE

2828 COLLEGE

2649 RUSSELL

2639 RUSSELL

R-2

R-2A

R-2A

R-1

R-3

C-1 AVE

R-1

R-2A

R-4

R-2

2641 WEBSTER

2706 ASHBY

2634 WEBSTER

3000 COLLEGE

Property Address	Initiated To
2706 Ashby	R-4
2821 College	R-4
2828 College	R-4
3000 College	R-4
2639 Russell	R-4 or R-2A
2649 Russell	R-4
2634 Webster	R-4 or R-1
2641 Webster	R-4 or R-1

PHASE I --- SCHEDULE FOR ZONING ORDINANCE REVISION

July
1976

August

Sept.

Oct.

Nov.

Dec.

Jan.

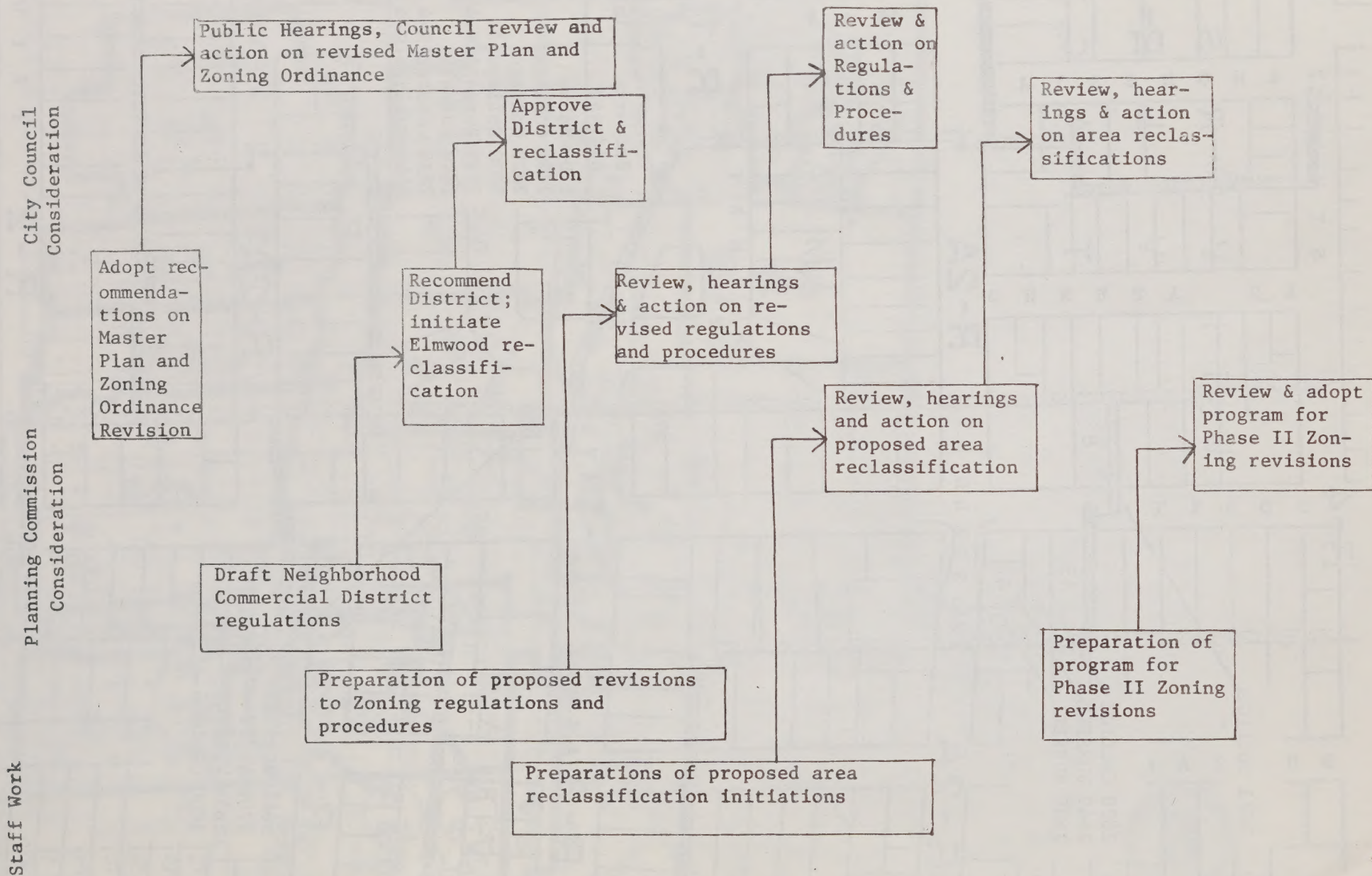
Feb.

March

April

May

June
1977



PHASE II: ZONING REVISION

INTRODUCTION

1 The objective of Phase II zoning revision is an overhaul of the present
2 Ordinance. The scope of this would include procedures, regulations and
3 clarification. The following outline identifies the areas which need attention.
4 Phase I revision and more detailed analysis can be expected to reveal and
5 identify more explicitly the appropriate and most effective allocation of
6 time and resources. For this reason, the development of the program for Phase
7 II zoning revision has been deferred until Phase I is near completion.

8 Outline

10 1. Procedures

- 11 a. Use Permits
- 12 b. Role of Zoning Officer
- 13 c. Application Forms
- 14 d. Notification and public information
- 15 e. Respective roles and coordination with:
 - 16 1. Board of Adjustments
 - 17 2. Planning Commission
 - 18 3. Housing Advisory and Appeals Board
 - 19 4. Landmarks Preservation Commission
 - 20 5. Design Review Committee
 - 21 6. Waterfront Board
 - 22 7. City Council
- 23 f. Integration with EIR requirements
- 24 g. Updated fee schedule
- 25 h. Defining classes of cases - significant (controversial vs. routine)
- 26 i. Enforcement



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INTRODUCTION

Outline, Cont'd

1 2. Development Regulations

2 a. Residential zones

3 b. Industrial zones

4 c. Potential mixed-use zones

5 d. U District

6 e. Further refinement of commercial districts

7 f. Special districts

8 1. Hill

9 2. Environmental safety

10 3. Planned unit development

11 4. Planned shopping

12 3. Clarification and simplification

13 a. Clarify language, definitions

14 b. Simplify format; facilitate location of specific regulations

15 c. Correct errors, omissions and inconsistencies

16 d. Add appendix, including forms, fees, meeting schedules and

17 time requirements for processing applications of various

18 types

19 e. Prepare summary covering permitted uses and procedures